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Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SMART TRIKE USA, LLC.

Plaintiff,

v.

HEINZ KETTLER GMBH & CO. KG and
KETTLER INTERNATIONAL INC.,

Defendants.

Civil Action No. 2:10-cv-2063-FSH-PS

**NOTICE OF MOTION FOR
PRO HAC VICE ADMISSION**

PLEASE TAKE NOTICE that the undersigned counsel for defendants Heinz Kettler GmbH & Co. KG and Kettler International Inc. will move before the Honorable Faith S. Hochberg, United States District Judge on June 7, 2010 at the U.S. Post Office & Courthouse Building, 2 Federal Square, Courtroom 1, Newark, New Jersey for an order admitting John C. Lynch, a member of the bar of the States of Virginia, Maryland and West Virginia, to appear in this matter *pro hac vice* pursuant to New Jersey Local Civil Rule 101.1

In support of this motion, movant relies upon the annexed declarations of Mark I. Schlesinger and John C. Lynch and seeks entry of the proposed Order submitted herewith.

Oral argument is not requested. No memorandum of law is submitted in support of this motion, which presents no novel issue of law.

Dated: May 28, 2010

TROUTMAN SANDERS LLP

By: s/ Mark I. Schlesinger
Mark I. Schlesinger

Attorneys for Defendants

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Defendants.

Civil Action No. 2:10-cv-2063-FSH -PS

**DECLARATION OF MARK I.
SCHLESINGER IN SUPPORT
OF APPLICATION FOR *PRO*
HAC VICE ADMISSION**

MARK I. SCHLESINGER hereby declares as follows:

1. I am an attorney admitted to practice in the State of New Jersey and this Court. I am of counsel with the law firm of Troutman Sanders LLP, counsel for defendants in this action. I am fully familiar with the facts and circumstances set forth herein and submit this Declaration in support of the application to admit John C. Lynch to appear *pro hac vice* in this matter pursuant to New Jersey Local Civil Rule 101.1(c).

2. Mr. Lynch will comport with all of the requirements of Local Civil Rule 101.1(c).

3. Mr. Lynch is a member of Troutman Sanders LLP, in its Virginia Beach, Virginia office, 222 Central Park Avenue, Suite 2000, Virginia Beach, Virginia 23462.

4. Mr. Lynch is a member in good standing of the following state and federal courts:

- Virginia – October 1995
- Maryland – May 1995
- West Virginia – October 1994
- U.S. District Court for the Eastern District of Virginia – November 17, 1995
- U.S. District Court for the Western District of Virginia – January 27, 1997
- U.S. District Court for the Southern District of West Virginia – October 3, 1994
- U.S. District Court for the Northern District of West Virginia – November 14, 1994
- U.S. District Court for the District of Maryland – September 16, 1996

There are no disciplinary proceedings pending against Mr. Lynch in any jurisdiction and no discipline has previously been imposed on Mr. Lynch in any jurisdiction.

4. As local counsel, I have been and will continue to be responsible for signing all papers, making all appearances, signing stipulations, and signing and receiving payments on judgments, decrees or orders, unless otherwise excused by the Court.

5. I understand that I am responsible for Mr. Lynch's conduct in this action and will work to ensure his compliance with this Court's rules and the applicable ethics rules of this State.

6. Mr. Lynch will remit the appropriate funds to the New Jersey Fund for Client Protection pursuant to New Jersey Court Rule 1:28-2(a) and to the Clerk of Court for Mr. Lynch's admission.

7. Opposing counsel has consented to Mr. Lynch's admission in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 28, 2010

s/ Mark I. Schlesinger
Mark I. Schlesinger

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Civil Action No. 2:10-cv-2063-FSH -PS

**DECLARATION OF JOHN C.
LYNCH IN SUPPORT OF
APPLICATION FOR *PRO*
HAC VICE ADMISSION**

JOHN C. LYNCH, hereby declares as follows:

1. I am an attorney admitted to practice in Virginia, Maryland and West Virginia and a member of the firm of Troutman Sanders LLP. I make this Declaration in support of my application, pursuant to Local Civil Rule, 101.1, for admission to this court, *pro hac vice*, to appear in this action on behalf of the defendants in this action.

2. I am a member in good standing of the following state and federal courts:

- Virginia – October 1995
- Maryland – May 1995
- West Virginia – October 1994
- U.S. District Court for the Eastern District of Virginia – November 17, 1995

- U.S. District Court for the Western District of Virginia – January 27, 1997
- U.S. District Court for the Southern District of West Virginia – October 3, 1994
- U.S. District Court for the Northern District of West Virginia – November 14, 1994
- U.S. District Court for the District of Maryland – September 16, 1996

3. I am in good standing in all of the above courts in which I am admitted to practice. A Certificate of Good Standing for the United States District Court for the Eastern District of Virginia is attached as Exhibit A.

4. I am not under suspension or disbarment by any court, and I am eligible for admission to the bar of this Court under Local Civil Rule 101.1(c). There are no disciplinary proceedings pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction. I shall notify the Court immediately of any matter affecting my standing at the bar of any court.

5. I understand that I will be under this Court's disciplinary jurisdiction.

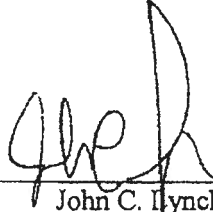
6. In accordance with Local Civil Rule 101.1(c)(4), Mark I. Schlesinger, of Troutman Sanders LLP will continue to be responsible for signing all papers, making all appearances, signing stipulations, and signing and receiving payments on judgments, decrees or orders, unless otherwise excused by the Court.

7. Mr. Schlesinger is a member in good standing of the bar of the United States District Court for the District of New Jersey, as well as the Supreme Court of New Jersey.

8. I will remit the appropriate funds to the New Jersey Fund for Client Protection pursuant to New Jersey Court Rule 1:28-2(a) and to the Clerk of the Court for my admission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 27, 2010



John C. Lynch

EXHIBIT A

AO 136RD (Rev. 8/93)

CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA)
)
) ss.
)
EASTERN DISTRICT OF VIRGINIA)

I, FERNANDO GALINDO, Clerk of the United States District Court for the
Eastern District of Virginia, Richmond Division,

DO HEREBY CERTIFY that John C. Lynch, ID #39267, was duly
admitted to practice in said Court on November 17, 1995 and is in good standing
as a member of the bar of said Court.

FERNANDO GALINDO, CLERK

By: _____



Deputy Clerk

Dated at Richmond, Virginia
on April 13, 2010.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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Plaintiff,

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HEINZ KETTLER GMBH & CO. KG and
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Defendants.

Civil Action No. 2:10-cv-2063-FSH-PS

[PROPOSED] ORDER

This matter having been brought before the Court by Mark I. Schlesinger, Esq. of Troutman Sanders LLP, counsel for defendants, for an Order allowing John C. Lynch, Esq., to appear and participate *pro hac vice*; and the Court having considered the moving papers; and there being no opposition to this application; and for good cause shown pursuant to Local Rule 101.1(c), United States District Court for the District of New Jersey;

IT IS this ____ day of _____ 2010, hereby

ORDERED that John C. Lynch, Esq. a member of the Bar of the States of Virginia, Maryland and West Virginia, be permitted to appear *pro hac vice* in the above-captioned matter in the United States District Court for the District of New Jersey pursuant to Local Rule 101.1(c); provided, however, that all pleadings, briefs and other papers filed with the Court shall be signed by Mark I. Schlesinger, Esq. or another attorney associated with Troutman Sanders LLP, who is a member in good standing with the Bar of the Supreme Court of New Jersey and the Bar of this Court, who shall be held responsible for said papers and the conduct of the case, and who shall be present before the Court during all phases of this proceeding, unless expressly excused by the Court, as well as be held responsible for the conduct of the attorney admitted *pro hac vice* pursuant to this Order; and it is further

ORDERED that, pursuant to L. Civ. R. 101.1(c)(2), John C. Lynch, Esq. shall pay the annual fee to the New Jersey Lawyers' Fund for Client Protection in accordance with New Jersey Court Rule 1:28-2, within twenty (20) days from the date of the entry of this Order, enclosing with payment a completed Form PHV-7, which form can be found at njcourtsonline.com; and it is further

ORDERED that, pursuant to L. Civ. R. 101.1(c)(3), John C. Lynch, Esq. shall make a payment of \$150.00 payable to the Clerk, United States District Court; and it is further

ORDERED that John C. Lynch, Esq. shall be bound by the General and Admiralty Rules of the United States District Court for the District of New Jersey, including but not limited to the provisions of Local Rule 103.1, Judicial Ethics and Professional Responsibility, and Local Rule 104.1, Discipline of Attorneys; and it is further

ORDERED that, pursuant to L. Civ. R. 101.1(c)(4), John C. Lynch, Esq. shall be deemed to have agreed to take no fee in any tort case in excess of the New Jersey Court Contingency Fee Rule, Rule 1:21-7, as amended.

Hon. Faith S. Hochberg, U.S.D.J.

Mark I. Schlesinger, Esq.
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Civil Action No. 2:10-cv-2063-FSH-PS

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2010, I served a copy of (i) the Notice of Motion for *Pro Hac Vice* Admission dated May 28, 2010; (ii) the Declaration of Mark I. Schlesinger in Support of Application for *Pro Hac Vice* Admission dated May 28, 2010; the Declaration of John C. Lynch in Support of Application for *Pro Hac Vice* Admission dated May 28, 2010 with exhibit annexed; and (iv) [Proposed] Order by posting such documents electronically to the ECF website of the United States District Court for the District of New Jersey on all registered ECF parties in the action.

Dated: Newark, New Jersey
May 28, 2010

s/ Mark I. Schlesinger
Mark I. Schlesinger